

**MORRISON | FOERSTER**

1650 TYSONS BOULEVARD  
SUITE 300  
MCLEAN, VIRGINIA 22102

TELEPHONE: 703.760.7700  
FACSIMILE: 703.760.7777

WWW.MOFO.COM

MORRISON & FOERSTER LLP  
NEW YORK, SAN FRANCISCO,  
LOS ANGELES, PALO ALTO,  
SAN DIEGO, WASHINGTON, D.C.  
DENVER, NORTHERN VIRGINIA,  
ORANGE COUNTY, SACRAMENTO,  
WALNUT CREEK, CENTURY CITY  
TOKYO, LONDON, BEIJING,  
SHANGHAI, HONG KONG,  
SINGAPORE, BRUSSELS

<b>To:</b>	<b>FACSIMILE:</b>	<b>TELEPHONE:</b>
<b>Board of Patent Appeals and Interferences, U.S. Patent and Trademark Office</b>	<b>571-272-0299</b>	<b>571-272-9797</b>

**FROM:** Kevin R. Spivak

**DATE:** October 19, 2005

<b>Number of pages with cover page:</b>	<b>- 1 -</b>
---	--------------

Preparer of this slip has confirmed that facsimile number given is 11786/mrh4  
correct:

**CAUTION- CONFIDENTIAL**

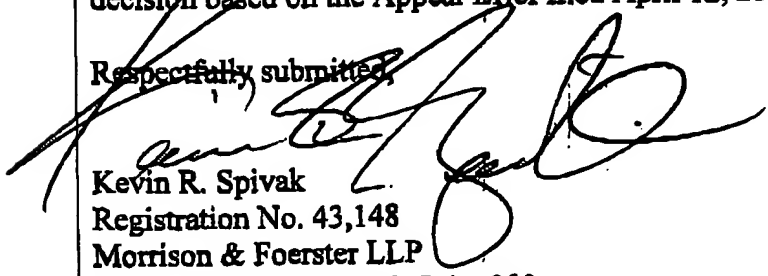
This facsimile contains confidential information which may also be privileged. Unless you are the addressee (or authorized to receive for the addressee), you may not copy, use, or distribute it. If you have received it in error, please advise Morrison & Foerster LLP immediately by telephone or facsimile and return it promptly by mail.

**COMMENTS:**

Appeal No: 2005-2254  
U.S. Patent Application No. 09/029,688  
Appellant: Frank MANDEMAN  
Hearing Date: Thursday, October 20, 2005  
Hearing Time: 09:00 AM  
Our Ref: 54382-20053.00

Applicant wishes to waive the Oral Hearing scheduled for October 20, 2005, and have a decision based on the Appeal Brief filed April 12, 2001.

Respectfully submitted,

  
Kevin R. Spivak  
Registration No. 43,148  
Morrison & Foerster LLP  
1650 Tysons Boulevard, Suite 300  
McLean, Virginia 22102  
Telephone: (703) 760-7700  
Facsimile: (703) 760-7777

**IF YOU DO NOT RECEIVE ALL OF THE PAGES, PLEASE CALL  
MARIANNE HALLER AT 703-760-7772 AS SOON AS POSSIBLE.**